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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-743*

13 **ROBERTA FLOYD**
14 **608 S. Sun Camp Road**
White Oak, TX 75693

A C C U S A T I O N

15 **Registered Nurse License No. 592662**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about December 28, 2001, the Board of Registered Nursing issued Registered
24 Nurse License Number 592662 to Roberta Floyd, also known as Roberta Field Floyd
25 (Respondent). The Registered Nurse License expired on May 31, 2005, and has not been
26 renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline Against Respondent's Texas Nursing License)

3 8. Respondent has subjected her license to disciplinary action under section 2761,
4 subdivision (a)(4) of the Code in that her registered nurse license was disciplined by the Texas
5 Board of Nursing. The circumstances are as follows:

6 9. In the Matter of Registered Nurse License Number 606302 issued to Roberta Field
7 Floyd, the Texas Board of Nursing sought to bring disciplinary action against Respondent's
8 nursing license after she produced an employment-related specimen for drug screening on
9 February 10, 2010, which tested positive for marijuana, a violation of Texas Occupations Code
10 section 301.453(a).

11 10. To avoid further disciplinary action, Respondent entered into an Agreed Order with
12 the Texas Board of Nursing voluntarily surrendering her registered nurse license, effective
13 November 7, 2011.

14 **PRAYER**


15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 592662, issued to Roberta
18 Floyd;

19 2. Ordering Roberta Floyd to pay the Board of Registered Nursing the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: March 13, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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